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MUST THE PEACEFUL IROQUOIS GO?

BY

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FOREWORD

We trust every member of Morgan Chapter will read Mr. Decker's splendid article with care. It is the result of years of study and research and its conclusions are startling.

We are called a civilized nation—a nation almost of super men and women—but in the final analysis, our civilization is but a veneer. Greed and selfishness predominate. In no way is this more clearly shown than in our treatment of the Indian. Treaties between the Federal Government and the Indians are considered mere "Scraps of Paper". Tribal lands confirmed under those treaties and reading that they shall be in force as long as the sun shines, the grass grows and the waters flow, have been taken by the whites by the thousands of acres, until their present holdings are reduced almost to the vanishing point.

These people are God's children as much as you or I. They had and have a beautiful spirituality little understood by the whites. They ask to be let alone, to cultivate their fields, educate their children and live their own lives.

In the early history of our country it was their support that made this an English speaking nation instead of a French one. In the late war they volunteered (they could not be drafted) by the thousands. Many of them are still in Flanders Field, side by side with their white brothers. We owe them much. Shall we repudiate the debt? Shall a small body of grasping men continue to dominate the governmental affairs of the Six Nations, repudiate the treaties of our forefathers, drive these people from their ancestral home lands, assimilate them with the whites, and thus destroy the last remnants of a great and wonderful people? We say NO!

ALVIN H. DEWEY.

MUST THE PEACEFUL IROQUOIS GO?

By George P. Decker

The story of the Six Nation people, now divided by the Lakes, is essentially the same on both sides. Since the year 1784, there have been these two groups. At Grand River on the north the ancient league between the Iroquois tribes has been maintained. At the time of the American Revolution all were living upon their own home-lands in the neighboring valleys of the Mohawk, the Seneca, the Genesee and Allegany. There they were self-governing in foreign relations as well as in home affairs. They made and unmade alliances with the newcomers from France and England, and made war and peace, as suited their interests. No other people, red or white, had questioned their right; none had dared.

In 1777, Sir Guy Carleton, Commander of the British land forces in Canada, to induce these people to side with his King, promised verbally to recompense them for any losses they might sustain in the alliance. A majority accepted the offer and took up arms against the King's disobedient children. In 1779, Chief Joseph Brant of the Mohawks, who had been driven from their homelands, asked Sir Frederick Haldimand, successor to Sir Guy, to put that promise of indemnity in writing. Sir Frederick did so. The document read that all losses shall be made good at the expense of the British. Within a few months Sullivan's raid into the enemy country had driven the other tribesmen from their homes and had driven all to cover of British forts along the Lakes. There the Peace of Paris found them. By the British-American boundary run through the Lakes by the peace treaty the old home-land was considered as lost by the Six Nations, who then called upon King George III to fulfil the promise which had been made in his name. Procuring a home-site on the Grand River, selected by Brant, Governor Haldimand subscribed in the King's name and delivered to Brant a document of October 25, 1784, inviting him and his followers to settle on those lands, describing them as a safe retreat, under protection of the King, for his faithful

allies and to be enjoyed by them and their posterity forever in place of the lost home-lands.

A portion of these people, led by the Senecas, lingered, and later made peace with Washington at Fort Stanwix, when they returned to their old homes and with no limitation imposed on their right of home rule. The Fort Stanwix treaty is one of the few ratified in and by the Constitution of 1789. Those treaties of neighborhood friendship were then the only pledges for the security of the thirteen baby States. No United States department, nor all combined, may nullify that Fort Stanwix treaty except as they shall usurp the right to nullify that Constitution.

The majority of the Six Nation people moved upon the Grand River lands under the Haldimand treaty, and have ever since possessed them, and have held and treasured the parchment document as the muniment of their right and title to that little country as against the outside world. That arrangement constituted a treaty because it was a neighborhood compact concluded between separate peoples. These people made that treaty with the British Crown, not with one of its colonies. They have refused to consider that the Crown, by act of the Imperial Parliament creating the Dominion of Canada in 1867, stepped aside for the Dominion to take its place as the party responsible to the Grand River people for faithful performance of the Crown's obligation to protect them against any violent hands. The late Imperial Government recently declined to acknowledge that it was still responsible.

On the faith of that treaty these people have cleared and divided these lands among themselves as private property for agriculture. These plots have been improved during a century and a third of Six Nation industry. The old communal life and old dress have been laid aside. The old pursuits were long ago abandoned for individualistic industry. The tenure of these farms is as completely private as that of their Canadian neighbors. That such transformation was possible without British sovereignty and without the British franchise, is proven by the event. The five thousand souls, being all of a common race and common occupation, and living a rural life, have had little need for an elaborately organized home government. The affairs

of the separate tribes are in the hands of tribal chiefs selected by the women, as of old. These chiefs, sitting in a federal council in the little capital building at Ohsweken, constitute the government of the confederacy acting in all matters of domestic concern and in foreign relations with the British. Ever since 1784, these people have preserved the old friendship for the British and attempted no outside relations with other peoples. If that friendship is now to be destroyed it is for the Canadian Indian Department to effect the destruction. This Grand River country is not demarked on atlases of Canada, but the Grand River people did not make them.

In 1869 the Dominion Parliament proposed a plan inviting reorganization of native tribes living under British protectorate. British "influence" was the favorite term long in use by British writers who understood the true relationship. The proposed plan was outlined under a Dominion statute called the Indian Act. Many tribes took that step, abolishing life chieftainships and substituting councillors elected for stated terms. As these councillors have wielded the old authority in many matters of home rule, the effect of the step on the status of those tribes has since become a matter of dispute. The tribes were not warned that the effect would be their subjugation in respect to domestic affairs to British sovereignty. The Dominion Government puts forth the contention that the step subjugated the tribes to the extent to be determined by the pleasure of the Dominion. The Grand River people refused to take action under that Dominion measure.

The contact between these people and the Dominion through the years has been one of close co-operation, except where Indian Office policy revealed a purpose to work dissolution of Six Nation tribes. Where such policy was evident friction has always arisen. Dominion co-operation exercised through its permanently established Indian Office with the Grand River council, has operated to prevent development of more efficiency in the Grand River Government, and has discouraged attempts by these people in that direction. It has been the policy of the Ottawa Government as at Washington, since about the year 1870, to work ever to the end of absorbing these tribesmen into

the neighboring body politic. In case of both governments, nevertheless, the Six Nation people have often been exempted from aggressive measures, either by express mention or by non-enforcement against them. Both governments have seemed to be afraid of their ground.

The Grand River people have been wholly self-supporting. They have escaped thus far any need of self-taxation. At an early day they ceded to the Crown a considerable part of the Grand River land, the whole being more than they needed for agriculture. There remains a tract of 50,000 acres. The purchase money from sales, aggregating a round million of dollars, has remained as a trust fund in the Crown's hands. The income has sufficed to build and maintain several school-houses, and to open and keep up highways, and to defray the other expenses of the Six Nation Government. As farmers these people are skillful and as successful as the average of their neighbors. Their lands are rich and splendidly located. A stranger traversing them would not discover from outward appearances where lie the boundaries between them and Canada. Several church buildings house the followers of as many Christian sects. There are Long Houses, also, where the followers of Handsome Lake, the Iroquois prophet, gather without priests to exhort each other. A considerable majority of these people have followed their ancestors in that persuasion. Those who do not hesitate to speak of the cults of others contemptuously call this cult Pagan. One of the stories now afloat, vicious because false and intended to prevent outside sympathy for these people in their present trouble, is that the Council of which Chief Deskaheh is the head, intends to drive Christian preachers from the Grand River country. The Council, although Iroquoisian to the core, has never interfered with Christian sects in religious freedom. The parents there are eager for the education of their children, and are very dissatisfied with the curricula furnished by the Ottawa authorities.

A smaller Six Nation group, following a brother of Captain Brant in 1784, located under similar circumstances at the Bay of Quinte. This group abolished their chieftainships many years ago under the Indian Act plan. They are now paying the

penalty. The Canadian courts are now enforcing against them any Dominion laws desired by the government, and hold them to be British subjects. The white man's game law, especially offensive to Indians, was picked out for enforcement upon them. The Bay of Quinte people have seemed thus far powerless to resist these aggressions. The Canadian judiciary quite recently seized the occasion in a Bay of Quinte case to declare that Six Nation children are born on British soil. The Grand River people deny that Canadian judges can conclude them on that score, or in the interpretation of Six Nation treaties.

The irritating pecuniary dispute of long standing between these people and the British still remains open. British officials, conveniently assuming an unlimited right of guardianship and therefore dispensing with approval of the Grand River people, took from the trust funds of the latter in 1835, $150,000 and invested it in a canal work undertaken as a Canadian enterprise, Every dollar so invested was lost and the loss has never been made good. Many other disbursements from that trust fund have never been accounted for, and no date is yet set for an accounting. In seeking an accounting from the Imperial Government the Chiefs are referred to the Dominion Government, and the latter refers them back to London.

As yet no international tribunal, which means a tribunal of unprejudiced and disinterested composition, has ever had before it this question of tribal status on either side of the Lakes, as an issue, as between an Indian tribe and one of these sovereignty-claiming neighbors. International justice in this field still awaits competent judicial administration. Neither of these Six Nation groups is seeking a different protectorate than that established by existing treaties with their chosen neighbor. They seek only to continue their right of home rule and to bring to an end the long dispute over it, which, hanging like a cloud over their future, has necessarily been paralyzing to their progress. Recent reports current about the Lakes that the Grand River people contemplate joining their brethren on the south, under United States protection, are untrue.

In many directions down to date, and until recent years in many others, the tribal right of self-government in home affairs

has not been disputed by the neighboring governments, and has been exercised by these peoples. The United States courts have recently declared that the small numbers of a Six Nation band on its old home-land do not impair the right of undisturbed tribal occupancy. In aiding the Washington government to make good the protection due by the Fort Stanwix treaty in that case, those courts ordered a band of Oneidas reinstated in tribal home-land from which they had been driven by New York State courts under pretence of white man's sovereignty.

The cases, relatively few, wherein the courts of the United States have aided the executive to take the protective steps required by the nation's treaty obligations, throw into unpleasant relief the larger class of cases wherein the same courts have aided Congress to subjugate tribes having similar treaty rights and standings. A protective suit is one brought in the name of the United States as the plaintiff. They are instituted by the Department of Justice against nationals of the United States who have either encroached or threatened to encroach upon such a tribe. It is no less the obligation of the judiciary than of the executive, by means appropriate to that department, to enforce respect for the Constitution upon our own nationals. The Constitution says that treaties are supreme over any inconsistent laws of the States or of Congress. Judges and legislators take precisely the same oath to uphold it. By enforcing respect for the Constitution by these protective suits, the courts enforce respect at home for these tribal treaties. But the Department of Justice has never, I believe, brought a protective suit aimed to enjoin aggression commanded by Congress where confessedly defiant of tribal treaty rights. The executive, with absolute control over the Department of Justice, does not assert itself by appeal to the courts as against the Congress in support of the Constitution in respect of these tribal treaty obligations. In place thereof, the executive departments have actively supported treaty-breaking congresses by opposing before the courts any suits brought by the tribes as plaintiffs to protect their treaty rights whenever they have managed to get into our courts for that purpose. In the suits so brought the tribes have been defeated, with no exceptions I believe. The courts have refused

to interfere to save them. It would seem that these tribes would refuse to be lured into our courts to be defeated. as plaintiffs in search of international justice. They are often invited to enter by enabling acts passed for that purpose by Congress.

As her frontiers have reached them the United States has entered into protective treaties with these tribes—upwards of one hundred separate tribes, in all—recognizing each as a distinct people endowed with political independence. The treaties carry express promises of the United States to protect, and were invitations to the tribes to abandon preparedness for self-protection against aggression. When Congress has not assumed to override the treaty rights of a particular tribe the federal courts have acted with vigor at the instance of the executive against aggressive nationals, and have even enjoined aggression threatened by States. The executive has usually won in such suits. When Congress has assumed complete sovereignty and commanded that aggression be practiced by other departments in defiance of these treaties, but with no accompanying declaration of war, and with the tribes at peace with us, the same courts have as readily refused relief when sought by the tribes. If, in the latter cases, the proposed aggression was the seizure of a right of way for a railroad across tribal lands, or the capture of a tribesman for prosecution as a criminal, under our laws, the same courts have ordered their marshals, carrying pocket arms, to invade tribal domain to capture the man or to cope with any tribal resistance to the court's judgments. These are the only instances of history where, as I can learn, the flag of dominion has been carried into foreign territory by judicial hands. The flag of conquest is always carried forward by the army in case of other civilized nations and of any of the other sort. The courts may follow the flag of conquest however unjustly the army marches forward, but to carry that flag is not a judicial function.

Judges who lend themselves to those purposes have presumed to say that the tribal territory was already, in a jurisdictional sense, within the United States. James Kent, the American Blackstone, once asked a lawyer who had made the

same contention as to sovereignty in his court to tell him, please, when that interesting event, that extension of our territorial sovereignty, took place, but the learned Judge got no answer.

John Marshall, who thought he understood the subject and was perfectly familiar with the map boundaries of the United States and of the States, said, in 1832, that tribal domain was no part of any State, and he held that the Cherokee domain, therefore, was not subject to the neighboring government of the white man. James Kent had said the same thirty years before in New York. Nothing to alter the relation of these tribes to the United States has since occurred with the consent of the many tribes now surviving to affect the soundness of those views, nor has it occurred in the Dominion of Canada, at least not in connection with the Six Nations. In case of the Dominion, however, the Imperial government in 1867 released the London check-rein over colonies in dealing with neighboring tribesmen. The United States and the Dominion of Canada have since those early days become strong enough in man power to dare defy these tribes, and there has been no international court to protect these weaklings. The establishment of the new court for nations in 1922, involves the premise that the domestic courts of one party to disputes over sovereignty are incompetent to adjudicate these disputes. Domestic courts of a disputant are presumed to be prejudiced in such cases and experience sustains the presumption.

It has remained for the United States and the Dominion of Canada to take the position that a red-skinned people are not entitled to the benefit of those truths. The father of his country taught no such doctrine to the people of the United States. Knowing that no State or United States law could extend as such over the line of Six Nation domain, Washington stipulated by treaty with those people in 1789 for reciprocal and mutually agreeable provisions for securing punishment in certain cases of crime, and to define the instances when United States officers should be privileged to cross the tribal borders.

In refusing relief asked for by the Cherokees to prevent the United States Indian Office from taking over the allotment of Cherokee land as had been decreed by Congress, the Supreme

Court said that the proposed measure was of political import and so not subject to judicial examination as to its wisdom, meaning an affair of foreign relations which is, as we say, "political" and outside the competence of domestic judiciary to review as we may concede.

But in the Cherokee case the purpose of Congress was confessedly violative of the Cherokee treaties. The Cherokee rights being fixed by treaty, it follows from the refusal of the courts to enforce the treaties upon our own government agencies, that, if those courts were right, the authors of the Constitution provided us with a domestic law supreme on this subject, but omitted to provide any means for enforcement. We have then, as respects sanctity of Indian treaties, a non-enforceable Constitution. Those who can may believe it. The same courts, we may notice in this connection, judicially declare void and forbid the enforcement of acts of Congress at the suit of a single private citizen if Congress would violate the Constitution in the taking of private property in smallest measure.

The Constitution leaves Congress free to abrogate a treaty so far as any government may do so. It was decided here in 1865, by the sword, that neighborhood compacts to which communities as parties had adjusted their lives were indestructible though one party may have tired of the arrangement. A state of war may automatically abrogate a treaty between the parties to it. But in these tribal cases there was no formal abrogation by Congress, nor any declaration of war, nor any state of actual hostilities. Congress proposed its aggressive action affecting these tribes on the false pretense of full sovereignty over them existing in the federal government. The treaties were simply ignored. But to ignore them did not abrogate them. Whether the treaty obligation applied, or whether the United States possessed the pretended sovereignty and whether the act proposed was one which the agents of Congress might lawfully execute without violation of the Constitution, were questions of law. As to those agents who were domestic nationals, those were questions of domestic law and cognizable by those courts.

The doctrines promulgated in the cases referred to have bred contempt among congressmen for that provision of the

Constitution relating to traffic with Indian tribes. At Washington there was presented at the last session a bill offered by Chairman Snyder of the House Indian Committee proposing that Congress, of its own special grace, certain knowledge and mere motion, as our British neighbors might put it, turn over to the State of New York all its power as to Six Nation Indians. The Constitution expressly provides that the power over our traffic with all Indian tribes shall be exercised by the Congress, and vests no power in that body to divest itself of the duty.

The Pueblos of the Rockies may rejoice today at the likely failure of the Bursom bill to subject their internal troubles, if any, to the white man's judiciary for adjustment according to the white man's lofty notions of the right way to dispose of disputed election cases. But the Pueblos will have established no principle binding future Congresses. There will be other generations of Bursoms and of Snyders and of Carters who father citizenship force bills for Indians, to harrass other generations of Pueblos and of Iroquois and prevent them having peaceful sleep or to gather courage for efforts at self-development of which they are highly capable. Those practices will continue at Washington and at Ottawa until international justice shall get itself expressed in a way to restrain the self-willed administrators of government in those capitals.

These protective treaties did not create a guardianship in the proper sense of that term. If certain tribes are wards of the United States and certain of them wards of the British in any just sense, they are not wards in the usual sense of the relationship which permits the guardian against the wishes of the ward to determine what is good for the ward. These tribes are wards only with their treaty rights and status left unimpaired. Any guardianship should be exercised with respect for treaty rights, whether exercised by the legislative, or the executive, or the courts. The doctrine of wardship implies and admits a difference of status as between one of these tribes and a group of the nationals who neighbor them. Surely the people of Canada and of the United States are not wards today of their governments. This difference in status requires that we recognize these tribes as having rights not derived from us, and as in-

herent as our own, rights that to some degree leave them sovereign in themselves. If that sovereignty is anything less than absolute, it is so only to the extent that the tribes, never subjugated by us in war, have yielded it by treaty.

The Dominion across the Lakes is not a sovereignty itself in any respect. She has no inherent power to make war upon or treat with another people. Her right of home-rule is one derived from the Imperial government and her every act is done in the name of the Crown. If she makes lawful war upon the peaceful Grand River people she does so as an agency of the Crown whether or no the latter calls her to account for the unjust act. Only a month ago the late Canadian Minister of Justice, Sir Allen Aylesworth, declared in an address at Toronto that the sovereignty talk in Canada was, as he called it, "bosh".

In 1790 the new-born states south of the Lakes, each for itself, treated if they wished with Indian tribes in defiance of the new federal constitution and the weak Philadelphia government dared not resist them. If anyone suffered it was some Indian tribe in a land deal. One hundred thirty years later the British colony north of the Lakes, grown larger and self-willed, ignores the Crown treaty and seeks to subjugate the Grand River people. The Imperial government is deaf to the complaint of the victims. Is the Imperial government afraid of her big child?

Given similar factors of racial and political action and reaction on the two sides of these Lakes and the results have been surprisingly alike.

These tribes are sovereign in home affairs, but quasi-sovereignty is nothing new. We have forty-eight States only quasi-sovereign under the Philadelphia inter-state treaty called our Constitution. Each state may have under its retained sovereignty no divorce laws at all, or easy divorce laws, however offensive to the neighboring states. Their interstate disputes go to a court which all of them helped to create and agreed to abide by its judgments. The courts of New York can settle nothing for Ohio. On a dispute as to the true extent of tribal sovereignty our domestic judges have no more authority to conclude the tribes by the views they entertain than those judges have to conclude Great Britain in a dispute over the in-

terpretation of a treaty we may have with her. The most famous opinions, interpreting those tribal treaties contrary to tribal interests and derogatory of all tribal sovereignty, have been delivered in cases wherein no tribe was a party before the court, and with no chance for the tribe to be heard, and so no tribe could be bound by them. A tribe is not in court when one of its members has been kidnapped and coerced to defend his life as best he may before one of our judges and juries. In the Louisiana Purchase the United States recognized and agreed to respect Indian tribes under Spanish treaties and in 1814, at Ghent, Great Britain and the United States recognized together and agreed to respect Indian tribes engaged in the War of 1812.

Neither Canada nor the United States has ever taxed these Six Nation peoples. The considerable distances now separating the Six tribes on the south of the Lakes has weakened their power for resistance as compared with the Grand River people where the tribes live in constant touch and keep alive the old league compact.

There are traitors and malcontents among these people, as with those of other colors. Often one of that description, and usually on advice of an Indian Office agent, will lodge complaint against a brother and perhaps a chief, before a neighboring magistrate, the pettier the better, and charge some violation of Canadian or United States law. The magistrate willingly issues process commanding appearance before his court foreign to the accused. These mandates are usually ignored by the persons summoned. Enforcement has been withheld in Canada as to Grand River people since the home rule dispute became recently acute. Dominion officials, properly dealing with the Dominion's political relationships, took up that dispute in conference with the Six Nation officials, and many such conferences have been held during the last two years. To avoid surrender of home rule, or to avoid resort to force to meet force, the Grand River Council recently stood ready to accept on fair terms an offer of the Dominion Government to refer that dispute to arbitration. While negotiation over such an agreement was in progress, the Dominion Government in December last raided the Grand River country with mounted police bearing arms and

numerous old processes taken from their pigeon-holes. Thus refusing to await action of a competent tribunal as to British sovereignty but under pretense of it, and, if the Grand River people are right, in contempt of international law and in breach of a Crown treaty, the police kidnapped a number of unarmed Six Nation men found in their homes and at their peaceful employments. These men were then lodged in Canadian jails to await trial before courts and juries having no Six Nation representation. The Government raid was clearly vindictive. The home of the head official at Grand River, the house of Chief Deskaheh, was entered and rummaged. The Indian Office explains that it was searching for liquor. Chief Deskaheh never tasted strong drink in his life. If he is in truth a British subject His Majesty has none drier for an example to his other subjects. It may be of interest here to note that the first prohibition measure to be promulgated in the region of the Great Lakes, if not in North America, was the Dutch decree issued on petition of the Mohawks that all taverns at Fort Orange be closed while those people were in town.

The Canadian raid was a hostile invasion of the Grand River country and an act of war. It constitutes a perfect case for consideration of the League of Nations under the terms of the covenant to which both the Imperial Government and Canada are parties. On the ground of their peril the Grand River Council has since made application to the Netherlands Government to present their cause to the League of Nations.

The Grand River people are not averse to a comparison of their home behavior with that of any other people by those who may be interested to do so in fairness and after knowledge of the facts. They have in their home life given no just offense to their neighbors, even if the Grand River boys play lacrosse on the day the Canadians call Sunday.

The true relation existing between these Six Nation tribes and their neighboring states of European colonists is fixed by treaties. Later governments of these colonizers, regretting, no doubt, that their ancestors had so bound them, have sought to rewrite those treaties, but without consent of the other parties,

and to rewrite them so as to change the obligation to protect against encroachments into a right of general guardianship under which cover they may coerce these tribes in their homes. This end is sought to be accomplished through elaborate Indian Departments exercising over-lordship. Every attempt at such aggression has been met with a challenge of some sort. When in 1822 Tommy Jemmy was captured at Cattaraugus, and then tried and sentenced to hang by the New York judiciary, the Governor with the acquiescence of the New York legislature, ordered him released on the formal demand of Red Jacket. In the days of President Jackson he did not hide behind the judiciary to conceal the criminal nature of his purpose when he would coerce Indian tribes. He boldly ordered his army to do the barbarous work, and, as cattle might be driven, drive them from old homes to new ones. In 1871 the congress entered on the policy of ultimate destruction by absorption of all Indian tribes, but with a gloved hand. Since then the federal courts have been a subservient department lending their marshals for raiding Indian country to kidnap a marked man and carry him off to be hung on authority of an alien congress by an alien judge and jury for some act done, if at all, on soil foreign to such judicial jurisdiction. The judges who do these things are men who extol government by law on the north of the Lakes and the south. Yet no great lawgiver of Great Britain or of the United States has ever pretended that in the constitution of their land, or of any other country on earth, is there warrant to be found for an extra territorial judicial jurisdiction over aliens. As this extra territorial activity of the judiciary has been outside of any constitutional warrant, it has constituted government without law and by wilful men over other peoples. The action so taken has been within the political field of foreign affairs, and was not of judicial import within the province of domestic courts to sanction. The practice of participating in these aggressions has abased the judiciary to the service of the war-making authority, which in form of legislation has decreed the aggressions on these defenseless neighbors, and decreed it without open declaration of war but under false pretense of sovereignty and under a cloak of judicial justice. To sanctify

before the world the part they have taken in such cases, these courts have declared that the legislative body, in willing that a tribesman be hung, or his tobacco be taxed, or his land be taken for a railroad right-of-way, has acted for the good of that Indian. That excuse is the one pleaded for political aggression commonly called tyranny during the centuries. The United States Supreme Court, in the Cherokee Tobacco case in 1870, went even further, if that be possible, and declared that the United States Congress was not holden to respect a treaty made by the United States Government with an Indian tribe. That decision would have served the recent needs of William Hohenzollern. It was reached by the vote of only four judges, but it still stands as the decision of that high court, and has furnished Congress with the form of judicial approval useful in its imperialistic enterprises against these little neighbors.

These people are of right independent politically to a degree easily definable by reference to their treaties. They are of right wholly independent as to their internal affairs and domestic politics. In foreign relations only are they dependent and that is in consequence only of their acceptance of the British Crown on the north, and of the United States on the south of the Lakes, as protectors. By agreeing to accept that protection these tribes did not wholly lose their sovereignty if John Marshall is an authority, for he said so. These protective treaties mean a protection as against aggression offered by other peoples and imply an obligation to protect as against the protectors' own subjects and wilful officials. If they are not to be so construed, and according to the spirit of international justice, we must conclude that these treaties were conceived in fraud by the governments which entered into them with these tribes.

In economic affairs these people are very dependent on the neighboring peoples from Europe. But all peoples have become inter-dependent. If economic dependence is the foundation for an alien sovereignty, then all Europe has become subject politically to the United States. The economic situation has no bearing to affect the nature of the political relationship. Before the fall of Quebec the British did not pretend to these people

that they were warranted on the score of the absurd charters signed by British crowned heads to exact Six Nation obedience to British law. On the contrary, the wording of those colonial charters presuming to grant away vast tracts of North America was carefully concealed from these people. For years the British were economically and defensively dependent on the Six Nations. They were very glad to find shelter from the French behind Six Nation outposts. It was the Six Nation warriors who enabled the British in 1759 to overcome the French in Canada. It was that event which resulted in English-speaking settlements here to reach finally from the Gulf to the Arctic and from ocean to ocean. The British alliance with the Grand River people was not for one-sided protection but for mutual action, defensive and offensive, and the Grand River people have kept their faith with the British down to this day.

And now are the few thousands of the Iroquois, claiming only enough land for their own homes and still holding their numerical strength, their color, their mother tongues and their own religion, to be destroyed politically, to quickly pass as an ethnic stock? If so, why? Because, erecting on both sides of the Lakes governmental departments properly authorized to administer over their own people in having neighborly traffic and commerce with these tribes Great Britain and the United States have suffered these departments to pervert their functions and to usurp, under sanctimonious guise of paternalism, an authority over these tribesmen in their own homes. As the petty Government agent lords it over the Six Nation Indian, the tribesman withdraws within himself. Then we say we cannot understand the Indian and we wonder why. Official aggression of this sort has grown apace with non-resistance by the Indian. Apace also with the tenacity of the Indian for his inherited ideals of life, have we let loose more and more proselyters to belabor him in all directions. The Indian Offices call as expert witnesses these disappointed workers to favor legislative policies aimed at destruction of the tribes. Citizenship force-bills follow in Parliament and in Congress. Scores of these tribes have been thus absorbed, and neither the land of their birth nor any other land knows their posterity today. The non-resisting Oneidas

of Green Bay waked up some two years ago to find themselves United States citizens according to the language of United States laws. Their Wisconsin neighbors found themselves free to buy or take mortgages on Oneida farms. Wisconsin then began to tax them. Half of these farms are already in the hands of the people of Wisconsin and the former occupants scattered to the winds.

The Dominion Government has for years seduced the Six Nation Indian, now one here, one there, to leave his people to become a British subject on promise of a share of the Six Nation trust fund. Yielding to that temptation the man has foresworn his tribe, gotten a share of the tribal funds without consent of the Six Nations, and has become enfranchised, as they say over there. Out of fifty or more such cases in the last few years nearly all, after finding their money gone, have returned as penitent paupers to the Grand River and thrown themselves on the charity of the Six Nation people. These true British subjects are the only paupers of Six Nation blood to be found north of the Lakes. The Grand River people have justly refused to accept them back into tribal membership, to be seduced again, but have clothed and fed them.

Neither north nor south of the Lakes have Christian and English-speaking people, save the Quakers, made an effort to aid a Six Nation Indian to be a better tribesman, in self-government. Boldly proclaiming a desire to reincarnate international justice, and proposing that it be administered by an international tribunal, the Dominion of Canada and the United States of America still set international justice at defiance in their own back settlements out of the world's gaze, and their officials propose to be their own judges to acquit themselves of the crimes they commit against international law and in breach of the solemn engagements of their ancestors.

A late Secretary of the Interior at Washington recommended reservation of a tract in the Arizona Desert that irrigation and the plow may not exterminate its insect and reptilian life, its peculiar toads and ants, to be of interest perhaps to remote posterity. That official was head of the paternalistic Indian Office of the United States, and he believed at the same

time that the Indians should be scattered and their tribes destroyed, for he recommended their absorption as citizens of the United States. Now comes the news that Belgium is to set apart a district of the Congo where gorillas may rear their young in peace. The Government at Ottawa, like the Government at Washington, thinks the time is here to deny the Six Nation people the right to be Indians. That means that these people may not raise on their few remaining acres babies with straight black hair. In both cases, however, the process of obliteration is to be progressive only, and is to require retention in office at Ottawa and at Washington, for the present generation at least, of the officials enjoying the salaries attached to these paternalistic activities. To raise babies with straight black hair these people must remain together. Scattered among the fair-haired millions from Europe now here would mean in three generations a progeny with complexions faded out, and would mean the disappearance of a race that was once well called the "Romans of America." The right of these red folk to survive as such rests on the same foundation as rests the right of any other people. On that score the essential distinction between them and their neighbors is that they have today no army or navy. With a mailed fist shaken in their face they can do no less than appeal for international justice by the peaceful route. All that the Grand River people ask is a fair show and a square deal in thus facing the political enemy.

The insistence of these Iroquois on the natural right of self-determination is no isolated case. But for the World War and its impetus to the hopes of people in masses, these Iroquois might soon have sunk beyond resurrection in the alien life about them. They participated to the limit in that event, and with other suppressed peoples partook of its inspirations. Their stand for self-determination is today the stand of the Philippinos, the Egyptians, and the Indians of India. It is the demand made by millions standing weapon-less before the political aggressors with armies and navies, who would deny half the people of this earth the right of self-expression. A distinguished British scholar, Lugard, a student of the relation of the races of mankind, has published conclusions which have been adopted

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by President Harding, who, at Birmingham, Alabama, declared the true conception to be in matters racial a separate path, each race pursuing its own inherited traditions and preserving its own race purity and race pride.

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